



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

March 23, 2004

PUBLIC HEARING: Michelle Marengo, 81 Oak Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Michelle Marengo, 81 Oak Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of the basement of the single family home situated upon property located at 81 Oak Street as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 33 as Plot 47.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Ms. Marengo: I'm Michelle Marengo. What I just passed out was basically the outline of the downstairs as it is right now. Pretty much everything is going to remain the same as it already is. We bought the house in October of last year. The one thing that we would like to add downstairs for my parents is a stove and a kitchen area that they will be able to use. But, like I said, everything else is existing. The bathroom already existed when we moved in. There is already a sink where we would be proposing to put the kitchen area. There is an outside door from the basement area, a full size outside door in the basement along with full size windows.

Attached behind those plans are the plans we had composed with Home Depot as far as what we would be putting in there, but it's pretty much staying in the same style as the house is.

Mr. George: So, you're keeping the same layout that's already there?

Ms. Marengo: Right.

Mr. George: You're just adding cabinetry and appliances?

Ms. Marengo: Yes, cabinetry and appliances and a dishwasher.

Mr. Salerno: Are you familiar with the restrictions as to an in-law apartment?

Ms. Marengo: Well, I do know that we had to come here in order to make that a special in-law.

Mr. Salerno: But, as far as the occupancy of it and the limitations?

Ms. Marengo: I'm sorry?

Mr. Salerno: Well, it's going to have to be occupied by a family member related by blood or marriage.

Ms. Marengo: Oh, yes. It's my parents, actually, and they'll be coming up from Florida no more than 6 months out of the year because they do have residency in Florida. They are pretty much going to stay for the summer months and head back when it starts to feel cool.

Mr. Salerno: Wise choice.

Ms. Marengo: They've actually met the neighbors already.

Mr. Salerno: Have you spoken with your neighbors?

Ms. Marengo: I have. One of them is here in support of this.

Mr. Salerno: Do any board members wish to inquire?

Mr. Gordon: The big disappointment to this is the fact that 3 houses are being built in your back yard.

Ms. Marengo: Yes. They're not going to have the best view.

Mr. Gordon: The land slopes too.

Ms. Marengo: A little bit.

Mr. Gordon: It looked like the foundation came to the top in the front and then it looked like you could see much more of it in the back.

Ms. Marengo: Yes.

Mr. George: Are they going to have their own separate entrance?

Ms. Marengo: There is a door in the back that they could come in, but they most likely will be using the one off of the deck. You can see at the top of the page there that it actually leads right down the stairs. This is a different entrance from the one that we use.
Ms. Murphy: These are nice plans.

Ms. Marengo: Thank you. I didn't know I could do that in Word. It wasn't easy.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Yes. Would you just identify yourself for record, please.

Ms. Keville: Yes. My name is Kathleen Keville; I live right across the street from Michelle. I whole heartedly approve of the plan. I've met their parents. They're wonderful neighbors. It's a great opportunity for her little boy to be with his grandparents during the summer.

Mr. Salerno: Well, thank you for taking the time and letting us know that. Is there anybody else here this evening who would like to comment? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Michelle Marengo, 81 Oak Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of the basement of the single family home situated upon property located at 81 Oak Street as an in-law apartment.

The appellant proposes to create a kitchen in a portion of the basement of her home, which is currently finished, so that her parents could occupy this level of her residence as an in-law apartment on a seasonal basis. The board found this proposal to be in harmony with the general intent of the Zoning Bylaw in permitting such accessory living accommodations within a single family home and felt that the occupancy of the in-law apartment as described by Ms. Marengo would not create any condition which would be harmful or injurious to the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the restriction that the in-law apartment shall not be occupied by more than three individuals, all of whom shall be related to the principal resident(s) of the subject premises.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: John Baldino, 14 Ireta Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of John Baldino, 14 Ireta Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 14

ft. from the rear lot line of property located at 14 Ireta Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 20 as Plot 32.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Baldino: My name is John Baldino. I'm a resident of 14 Ireta Road. I'm here to seek a variance for the rear lot line setback for an inground swimming pool because I'm coming as close to the zoning bylaws as possible, but the rear line doesn't quite make it by 6 ft. 6 in. I've taken some photos. It might help show the layout of the lot.

Mr. Baldino presented the photos to the board.

Mr. Baldino: To move it back towards the house, that would put it close to the egress of the garage and there is a 12 inch drop in grade behind the garage. The 6 ft. will be up past the second rock wall. As the lot tiers up, there's a fieldstone wall and then there's a rough wall. Behind that, is where it will be the 6 ft. that does not make the setback.

Mr. George: So, you'll be up on that second tier behind the stonewall?

Mr. Baldino: That's the frontage that I'm looking to appeal, but I will be down below that upper area and sliding it into that space between the wall and the house.

Mr. Gordon: This is a cluster, is that correct?

Mr. Alarie: No, this is just outside the cluster development.

Mr. Gordon: Just outside the cluster?

Mr. Alarie: Correct. This is the older section of Ireta Road, the original section. A lot of the lots in this area match up with the size of the lots in the cluster. These are a little bit smaller though than what's permitted in either of the zones.

Mr. Salerno: Do any board members wish to inquire?

Ms. Murphy: Looking at the plan, why wouldn't you move the pool over by the house instead of behind the garage and the addition? It looks like it would fit there.

Mr. Baldino: You mean towards the right?

Ms. Murphy: Over here.

Mr. Baldino: Well, first of all, the sunlight is up in that area there. I don't see as that will still make up the extra 6 ft. if we go further to the right on the plan. Is that what you're asking, to go further to the right?

Ms. Murphy: Yes.

Mr. George: Is it that you're trying to keep the pool to the side of the house where you have that addition?

Mr. Baldino: Yes.

Mr. George: So, that would be your access to and from the pool area?

Mr. Baldino: Right.

Mr. Salerno: I think what Ms. Murphy had asked you, sir, is if you pull the pool over and center it behind the house, can you comply with the rear setback?

Mr. Baldino: One of the photographs, the one in your hand sir, shows a concrete patio. That line runs across close to the back of the house so that I can't really bring it any closer into the house.

Mr. Salerno: No, but I mean if you ran it the other way over here and you ran the shape of it out like this, would you then need a variance?

Mr. Baldino: I believe so. From the way this is laid out, it doesn't really represent the way the photograph really shows the different elevations.

Mr. Salerno: Well, the pool is what? Is it a 16 ft. x 32 ft. or a 20 ft. x 40 ft.?

Mr. Baldino: It's 14 ft. x 28 ft.

Mr. Salerno: What is it?

Mr. Baldino: It's 14 ft. x 28 ft. It's a steel structure and what it has is a 4 ft. bracing on the outside walls.

Mr. Salerno: Do any other members have questions?

Mr. Gordon: Have you spoken with your neighbors about it?

Mr. Baldino: Yes.

Mr. Gordon: Are any of them here tonight?

Mr. Baldino: No, they're not. The residents at 18 Ireta have given their approval. Mr. Cushing Bozenhard, who is to the rear, has also expressed approval to me and has aided me by taking down some trees.

Mr. George: Is that Westbrook Crossing in the rear?

Mr. Baldino: No, that's Mr. Bozenhard's property.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of John Baldino, 14 Ireta Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 14 ft. from the rear lot line of property located at 14 Ireta Road.

The board reviewed the appellant's proposal to install an inground swimming pool in the rear yard of his property and found that, due to the size of his lot and the varying topography across this area of his lot, the literal application of the minimum terms of the Zoning Bylaw would impose a substantial hardship to Mr. Baldino. It was their opinion that the reduction of the rear yard setback for this accessory, at-grade structure by 6 ft. would not significantly depart from the intent or the purpose of the bylaw and that the installation of the pool, as proposed, would not create any condition which would adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

March 23, 2004

PUBLIC HEARING: Colleen B. Doran, 18 Norcross Point, Shrewsbury, MA.

PURPOSE: To hear the appeal of Colleen B. Doran, 18 Norcross Point, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second

story addition upon property located at 18 Norcross Point maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 57 as Plot 10.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Ms. Doran: Yes. I'm Dianne Doran. I'm Collen Doran's mom. She's at night school. She and I bought it together, but she's revising the property. I have one copy of the plan.

Ms. Doran gave the copy of the plan to the board to review.

Mr. George: So, you're basically using the same footprint?

Ms. Doran: We're using the exact same footprint. She's going up on the existing house. She is not going up over the little porch that's enclosed on the front of the property. She's just going up over the existing house.

Mr. George: She's just going up over the main structure?

Ms. Doran: Yes, just the main structure. The south side of the house is 8 ½ ft. from the property line. Mr. Alarie told me that it needed to be 10 ft. That's why we're here tonight. So, we're not changing any of the dimensions.

Mr. George: What about where the deck is? Is there going to be any building where the deck is in the back?

Ms. Doran: The deck, no.

Mr. George: Okay.

Ms. Doran: Oh, you go out back where the deck is?

Mr. George: Yes.

Ms. Doran: Okay. That's the enclosed porch.

Mr. George: Yes.

Ms. Doran: There's not going to be anything above that.

Mr. George: Alright. So, that deck is going to be enclosed though, that deck?

Ms. Doran: That deck is just going to have a railing.

Mr. George: Oh, okay.

Ms. Doran: So, it's not being extended.

Mr. Rosen: Is the siding going to match the existing house?

Ms. Doran: Excuse me?

Mr. Rosen: Will the siding on the exterior of the second floor be the same that is on the existing house?

Ms. Doran: The exterior is getting ripped off. It's all going to be one type. It needed a total rehab. We were going to side it last year and decided to wait until we went up so that they we could match the siding.

Mr. Gordon: Number 12, Ron, I noticed that there's construction there. Is that just cleaning it up?

Mr. Alarie: No. They're actually doing some expansion, but they fall in compliance with the applicable setbacks.

Mr. Gordon: This would be the third house on that street that will be improved?

Mr. Alarie: Yes. Mr. Polito did a substantial rehab to his property.

Ms. Doran: Yes, it was substantial, about 5 times the size of our property, at least. The people on the end of the point are doing something right now.

Mr. George: Your neighbor's house is pretty neat also.

Ms. Doran: Oh yes, on both sides. Everybody has improved their homes. This was a little run down.

Mr. George: It's a little dangerous road in the wintertime.

Ms. Doran: I have 4-wheel drive.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition?

Mr. Demboski: My name is Stanley Demboski. I live next door to where her daughter lives. I don't have any objections at all with this.

Mr. Gordon: What number are you, Mr. Demboski:

Mr. Demboski: I' at 16.

Mr. Salerno: And you took the time to come here tonight, sir, to let us know that you are in favor of this?

Mr. Demboski: Yes.

Mr. Salerno: Is there anybody else who would like to comment? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Colleen B. Doran, 18 Norcross Point, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 18 Norcross Point maintaining the existing setbacks of said property.

The appellant's property is the third to last home on Norcross Point, which is a somewhat long peninsula projecting out into Lake Quinsigamond, and it is rather small parcel containing only 3,895 sq. ft. of land area. Her home, which is a single story structure, has a building footprint of approximately 760 sq. ft. and she proposes to add a second story over a portion of its first floor area that would maintain its nonconforming front, side and rear yard setbacks.

The board found, upon review of this appeal, that the vertical expansion of this dwelling would neither significantly alter its nonconforming character nor detrimentally impact the welfare of area residents. It was their opinion that the completed structure would not conflict with the general character of this neighborhood and that it would not seriously depart from the intent or the purpose of the Zoning Bylaw. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

March 23, 2004

PUBLIC HEARING: Mark E. Brodeur, 40 Longfellow Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Mark E. Brodeur, 40 Longfellow Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence A District, to allow the construction of an addition 38 ft. from the rear lot line of property located at 40 Longfellow Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 10 as Plot 152-23.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Brodeur: My name is Mark Brodeur of 40 Longfellow Road. What we're looking for is relief from the rear yard setback for a foot or so so that we can add a sunroom on an existing deck. It's not even 7 days a week, 365 days a year living space. We're going to add a couple of posts for support, change the stairs and the configuration of the egress. But, other than that, the existing deck will remain the same. We'll be using that for the base for the proposed sunroom.

Mr. Gordon: You have substantial ledge in there?

Mr. Brodeur: Oh, we sure do! Rocks, we have.

Mr. Gordon: Yes, I know.

Mr. Salerno: Do you have any diagrams or plans of the addition?

Mr. Brodeur: Of what the sunroom's going to look like?

Mr. Salerno: Yes.

Mr. Brodeur: It's your basic extruded aluminum.

Mr. Salerno: Is it pre-manufactured?

Mr. Brodeur: It's pre-manufactured with windows on 3 sides. The fourth side butts up to the existing house. There's an existing sliding glass door there that's going to be the entrance to that room.

Mr. Salerno: So, it's like a modular or a Brady Built?

Mr. Brodeur: It's really just a very simple structure.

Mr. Salerno: You don't have any pamphlets or anything?

Mr. Brodeur: No.

Mr. Alarie: I believe that it's from Patio Rooms of America. I believe they filed a permit application that I have back in my office. If the board wishes, I'll go back and get it.

Mr. Salerno: No, that won't be necessary.

Mr. Brodeur: It's a very simple structure. It's a very simple white aluminum frame. It matches the house. It's the same color.

Mr. Salerno: And it's in compliance with what's been filed with Mr. Alarie's office?

Mr. Brodeur: It's the same thing.

Mr. Salerno: We need to confirm that so that we can have some reference point.

Mr. Brodeur: It's exactly the same thing. We're not making any radical change.

Mr. Salerno: Do any board members wish to inquire?

Mr. Brodeur: It's mostly windows and 1 door.

Ms. Murphy: Screens, too?

Mr. Brodeur: Oh, screens, absolutely. There's only a minimal amount of work involved. The proposal is just to put 2 posts in for reinforcing and that's it.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Sir, would you just identify for the record.

Mr. Schwartz: Yes, I'm Ray Schwartz. I live directly behind them. I don't particularly have a problem with the structure. I don't care what he puts up. We have had a problem though, you know, with the property line. When I put my pool in, we had our property surveyed. There are things that have been planted on my yard that I just want on record that it is my property. Maybe your property should be surveyed.

Mr. Brodeur: Quite frankly, I think you're right that there's a row of arborvitaes that may, in fact, be on your property. They could be. The row of arborvitaes was planted when there was nothing but trees back there and there were no lots or no proposals for lots. I mean those arborvitaes have been there for 20 years.

Mr. Salerno: Will the addition of this sunroom bother you sir?

Mr. Schwartz: No, it wouldn't.

Mr. Brodeur: They live almost directly behind us.

Mr. Schwartz: Again, I don't have a problem with the structure. This is the second variance. He had to have a variance with the pool after that had already been put in. Now we're having a second variance. I just want it on record to establish where our property lines are.

Mr. Salerno: Yes, we understand. Again, probably the answer to that sir is to have both parties do a survey. Do they call it an "instrument survey", Mr. Alarie?

Mr. Alarie: Correct.

Mr. Schwartz: I've already had that done.

Mr. Brodeur: I have. There's a post that's been driven in what I think is the corner or an offset corner, I'm not sure. But, there is a survey marker.

Mr. Gordon: Who put in the trees, Mr. Ricker?

Mr. Alarie: Excuse me?

Mr. Gordon: Did Donald Ricker plant the trees?

Mr. Brodeur: No. I planted them just after we bought the house.

Mr. Alarie: That portion of Longfellow Road was completed and then Tory Lane was developed several years after that.

Mr. Salerno: Okay. Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Mark E. Brodeur, 40 Longfellow Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence A District, to allow the construction of an addition 38 ft. from the rear lot line of property located at 40 Longfellow Road.

The board reviewed the Mr. Brodeur's proposal to enclose a portion of the deck attached to the rear of his home that will be occupied as a three season room and found that, due to the topography of subject premises, the literal application of the applicable provisions of the Zoning Bylaw would impose a hardship to the appellant. It was their opinion that the reduction of the minimum rear yard setback by 2 ft., in this instance, would not seriously derogate from either the intent or the purpose of the bylaw and that the construction of the porch would not adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Chris Prefontaine/KL Properties, LLC, 32 Neptune Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Chris Prefontaine/KL Properties, LLC, 16 Coachman Ridge Road, Shrewsbury, MA, for a special permit as required by Section IV, Subsection B, to allow the construction of a 2 car garage and a second story addition upon property located at 32 Neptune Drive maintaining the existing front yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 10 as Plot 109.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Prefontaine: My name is Chris Prefontaine. I'm a resident of Shrewsbury. This plan wasn't ready at the time of the application. So, I brought the proposed plan tonight for you to review.

Mr. Prefontaine distributed plans to the board members.

Mr. Prefontaine: There are no bump-outs or anything off of the existing plan.

Mr. Salerno: I'm sorry, what did you say sir?

Mr. Prefontaine: There are no bump-outs or cantilevering going on to go over the lines. It's just going up from the first story that's existing.

Mr. George: So, the only thing outside the footprint of the existing house now is the garage area?

Mr. Prefontaine: Right, the garage. Ron had told me that on Aspen, which is that side street, we still have to maintain that 30 ft. of frontage, which we did, as a front setback versus a side setback.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Sir, again, just identify yourself for the audio record and let us know.

Mr. N. Prefontaine: Nicholas Prefontaine, Chris's son. I have a friend who lives on Aspen, a few houses down from where addition is being proposed. He said that they received a notice in the mail and that his family has no problems with it.

Mr. Salerno: Okay, what was their name?

Mr. N. Prefontaine: Mrazik. I'm not sure what house number, but I know it's on Aspen.

Mr. Salerno: Is there anybody else? Yes ma'am, just for the record?

Ms. Young: I'm Judy Young. I live at 28 Neptune Drive, which would be next door. Is there a way that I could actually see what it is that he is proposing?

Mr. Salerno: You could come right up and view these plans.

Mr. Prefontaine: I can give you these.

Mr. Gordon: I think this is going to look pretty much like the ones down the street on the other side? Ron, is it the same?

Mr. Alarie: Well somewhat, but those are more Colonial in nature, I believe. It would be somewhat similar having two stories, but they are a little different in their design.

Mr. Prefontaine: I guess one of the things that I heard for feedback from a few of the neighbors was that some of the additions are going up with the windows not lining up and they don't look aesthetically pleasing. We tried to keep that in mind when we designed that to look like a Colonial layout.

Mr. Salerno: Go ahead ma'am. Just again for the record, please state your name.

Ms. Young: I'm Judy Young. Are there any structures being planned for the back of the building? Right now there is a small porch off of the back.

Mr. Prefontaine: Ma'am, just the existing deck. That's it.

Ms. Young: Okay.

Mr. Prefontaine: I'm sorry. On the second floor, and I'm not sure if it will be put in yet, but on this drawing, it shows a second floor deck coming off of the master bedroom. I don't even know if that will be added, but that's on the plans as of now.

Mr. Salerno: That would be like a balcony deck?

Mr. Prefontaine: Yes, a small one.

Ms. Young: Based on what we see, we have no objections.

Mr. Salerno: Is there anything else that you want to add in there as a neighbor?

Ms. Young: We have no objections.

Mr. Salerno: Okay. Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Chris Prefontaine/KL Properties, LLC, 16 Coachman Ridge Road, Shrewsbury, MA, for a special permit as required by Section IV, Subsection B, to allow the construction of a 2 car garage and a second story addition upon property located at 32 Neptune Drive maintaining the existing front yard setback of said property.

The subject premises, which is located at the northeast corner of Neptune Drive and Aspen Circle, is occupied by a Ranch style single family dwelling that currently sits approximately 25 ft. from the sideline of Neptune Drive. The appellant proposes to add a second story to this structure and to construct an attached garage to its westerly side, both of which will utilize the existing nonconforming front yard setback.

Upon review of this appeal, the board found that the proposed expansion of this property would not materially alter its nonconforming features and that it would not create any condition which would adversely impact the welfare of area residents. It was their opinion that, at its completion, the new structure would compliment other homes within this neighborhood, several of which have recently undergone similar alterations, and that there would be no discernable derogation from the intent of the Zoning Bylaw. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

March 23, 2004

PUBLIC HEARING: Angelo Villani, 102 Boylston Circle, Shrewsbury, MA.

PURPOSE: To hear the appeal of Angelo Villani, 102 Boylston Circle, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Residence A District, and a special permit as required by Section IV, Subsection B, to allow the construction of an addition 10 ft. from the side lot line of property located at 102 Boylston Circle and maintaining the existing front yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 16 as Plot 42.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Villani: I'm Angelo Villani and I live over at 102 Boylston Circle. Basically, all I want to do is put an addition onto my house. At the moment, I've got a garage that will be knocked down. The corner of the garage is 15 ft. from the property line. What I want to do is, basically, I've got a fairly old house and I want to make a number of renovations. I want to put an addition on the side of my house and also a small garage attached to the addition. The corner of the addition is 15 ft. from the border and the corner of the other garage attached to it is 10 ft. from the border.

Mr. Salerno: Do you have any diagrams showing what the additions are going to look like, sir?

Mr. Villani: Sure. I've got plot plans and I've got front view, side view and back view. I've also got another view, sort of like an isometric view. Would you like to see them?

Mr. Salerno: I think those would be helpful. Why don't you start right with Mr. Gordon.

Mr. Villani showed the plans to the board members and discussed the plans with the board at Mr. Gordon's desk.

Mr. Gordon: All right. Now, you're going to have a 2-car garage?

Mr. Villani: Yes. This is the addition. So, actually, maybe an easier way to look at it is from this picture first. This is my existing house and this is the overall addition. This would be the border. The garage that's there right now is right here. The distance from here to the border is 15 ft. I'm going to knock this garage down and put the addition on. This would be the cellar, first floor and second floor. This will only be a garage, this piece here. This distance is 10 ft., this distance is 15 ft.

Mr. Gordon: So, the garage will not go up to the full height of the house?

Mr. Villani: No. So, if you look at it from this view, it is only one story here.

Mr. Gordon: Is this the garage?

Mr. Villani: Yes. From the front view, this would be the total addition and this is the addition of the garage.

Mr. Gordon: Right. So, one will be going straight up and the other one will not?

Mr. Villani: Yes.

Mr. Gordon: That's what I didn't understand.

Mr. Salerno: One bay is going to be under and one bay is not.

Mr. Villani: The roofline on the part that would go up would be flush with the house. Then the roofline here will be an additional 3 ft. out from here to here.

Mr. George: Like an overhang over the garage door?

Mr. Villani: Yes, an additional 3 ft. so that I can give myself more space. I played with the geometry a long time to make sure to see what was optimal. This is an additional 3 ft. out this way. That's all. So, if you want to see it, this is the cellar, this is the existing house right here and then this is an additional 3 ft. out this way so that I can give myself plenty of room.

Mr. Salerno: You're extending that way so that you can get the car depth in the garage?

Mr. Villani: Yes. I tried to be as far away from here as I could, from the border.

Mr. Gordon: You have such a big lot. Everything seems to be crammed into that one little corner.

Mr. Villani: That's a good question. What happened is that, if you look at the overall picture of my house, I've got a hill on this side. It comes down so that, on this side of the garage, it's a hill and on this side I've got rocks and ledge. It's really very difficult to build on this side, otherwise I would have.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Angelo Villani, 102 Boylston Circle, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard

Requirement, Residence A District, and a special permit as required by Section IV, Subsection B, to allow the construction of an addition 10 ft. from the side lot line of property located at 102 Boylston Circle and maintaining the existing front yard setback of said property.

The board found, upon review of the appellant's proposal to construct an addition to the northerly side of his home, that the shape and the topography of the subject lot restricted the siting of the original dwelling to where it currently sits and that these conditions further limit its expansion solely to the northerly side of this structure. They noted that, directly in front of where the proposed addition is to be constructed, there is an existing detached garage situated less than one foot from the sideline of Boylston Circle. This structure would be demolished in conjunction with construction of the addition thereby increasing the nonconforming front yard setback to approximately 20 ft. The rear wall of the addition is stepped so that two corners sit approximately 10 ft. and 15 ft. from the northerly side lot line.

It was the board's opinion that, in this instance, neither the granting of variance to allow the reduction of the side yard setback to 10 ft. nor the granting of the special permit to utilize the existing nonconforming front yard setback to facilitate the expansion of Mr. Villani's home would significantly depart from the intent of the Zoning Bylaw or create any condition which would adversely affect the welfare of either the general public or area residents. They found that the new structure, when completed, would not materially change its nonconforming features and that its design was compatible with the general character of other properties within this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Maria C. Fiorelli, 16 Merriam Ave. & 5 Loring Street,
Shrewsbury, MA.

PURPOSE: To hear the appeal of Maria C. Fiorelli, 16 Merriam Ave. Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Frontage and Area Requirements, Residence B-1 District, to allow the division of property located at 16 Merriam Ave. and 5 Loring Street into two lots containing 8,645 sq. ft. and 11,225 sq. ft. of land area, respectively, with the former having 89 ft. of frontage. The subject premises is described on the Shrewsbury Assessor's Tax Plate 16 as Plots 90 and 94.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Counsel, would you identify yourself and your client for the record and make your presentation.

Atty. St. Pierre: Yes. I'm Attorney Rod St. Pierre, attorney for Maria Fiorelli. Maria is here with us to answer any questions the board might have. Two lots are shown in color on the assessor's map in front of you. The lot in pink is her existing home. The lot in yellow is the abutting lot and is to the rear of the property on Loring Avenue. Maria Fiorelli's family has owned the property since the early 1940's. Maria and her husband Joe bought the property from the family in 1972 and have been making it their home ever since. This particular property has always been taxed as 2 separate lots. It has different street addresses and so on. In fact, the Town of Shrewsbury looks at the Loring lot as a buildable lot. They tax it at \$1,154 for the year. Again, both are preexisting, nonconforming lots.

As far as the intent of my clients, they've always treated it as a separate lot. They never knew that they needed a variance for anything other than when they decided to sell the property. It's been in the family for a number of years. It was really held for investment purposes towards retirement and/or if any one of the children wanted to build a home on the property. The children do not live locally. A little over 3 years ago, Maria's husband passed away. She worked for the school department here in Shrewsbury for some 26 years and she retired a short time before he passed away. She recently has taken a job with Foster Real Estate as a part-time secretary. In doing that, she then made the decision, "Well, let me sell the lot, that's what it's there for to supplement my retirement income and so forth" only to find out that it's short on the square footage. You need a minimum of 12,500 sq. ft. It meets all the other requirements. They did play with the setback in developing a home that could be built on the property. They do have an agreement in place to sell this property, subject to the ZBA's approval of the variance.

The existing home will not change. That will stay as it is on Merriam Avenue. It's just really the back lot that they wish to ask for relief from to build a home. It's not the typical side by side lot arrangement. The only reason it's contiguous is that they connect by 40 ft. in back. Again, that meets enough of the requirement to require a need for a variance. As it is, it is an abutting lot, technically.

The hardship is not being able to use the property reasonably for what it was intended. In this particular case, for the last 60 years we've had an investment of many thousands of dollars in taxes. Without being afforded a variance, they would not be able to subdivide this property and sell it off. I think it's in keeping with the neighborhood. Again, if you look at the assessor's map, this particular lot is pretty much the same size or larger than some of the other lots on Merriam Avenue. It's definitely in keeping with the neighborhood and will not be more detrimental than what is existing today.

Maria has talked to her neighbors. Everyone appears to be in agreement. I think I see one neighbor here this evening. The others that she's talked to have indicated that they are in support of her petition.

It's funny, when her husband passed away, the estate appraiser treated it as a separate lot. So, even the appraiser thought that it was a buildable lot. That's how it's been set up for estate tax purposes. So, again, without relief, she would suffer a serious hardship.

Mr. Salerno: It's not a separate lot, though.

Atty. St. Pierre: Well, it is. For all intents and purposes, it is. I mean, if you're paying \$1,150 a year in taxes and the town treats it as a buildable lot, it should be buildable.

Mr. Salerno: They're held under the same deed though?

Atty. St. Pierre: Yes.

Mr. Salerno: Doesn't a nonconforming lot merge into it?

Atty. St. Pierre: Correct.

Mr. Alarie: Contiguous lots under the same ownership merge.

Atty. St. Pierre: It's not side by side and you only have 40 ft. in the back that connects the 2. If it weren't touching, then we wouldn't have a problem.

Mr. Salerno: Right, but it's all one lot at this time.

Atty. St. Pierre: It's all one lot. That's why the need for the variance. Technically, we need relief for both lots because of the existing being the 8,600 sq. ft. and the other is 11,225 or something sq. ft. in the back lot.

What it is difficult is that it was treated as that and, again, there are 2 separate tax bills. It has been treated that way every since they were purchased, which was over the last 60 years.

We're here to answer any questions the board might have. Again, the intentions were to keep it for investment. Again, without relief, they won't be afforded the ability or the right to sell their property.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Sir, just identify yourself for the record.

Mr. Flemming: Joe Flemming from 37 Prospect Street. It sounds kind of odd because it's on Loring Street, but my house is actually on Merriam Avenue. The lot in question is

within sight of my house, but I would have no problem with it being sold and another house being built there.

Mr. Salerno: Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to deny the appeal of Maria C. Fiorelli, 16 Merriam Ave. Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Frontage and Area Requirements, Residence B-1 District, to allow the division of property located at 16 Merriam Ave. and 5 Loring Street into two lots containing 8,645 sq. ft. and 11,225 sq. ft. of land area, respectively, with the former having 89 ft. of frontage.

The appellant owns 2 lots, the first of which is occupied by her residence and fronts upon Merriam Ave. It is located within a Residence B-1 District and does not comply with the minimum frontage and area requirements of 100 ft. and 12,500 sq. ft., respectively, currently prescribed in Table II of the Zoning Bylaw for this district. The second lot is vacant, is located to the rear of her home, is similarly zoned and fronts upon Loring Street. This parcel has conforming frontage, but lacks sufficient land area to comply with the Table II minimum requirement. These properties do not qualify for the statutory protection afforded "grandfathered lots" in accordance with Section 6 of Chapter 40A of the MGL as they are contiguous and have been held in common ownership for more than 30 years. Ms. Fiorelli seeks relief from the aforementioned dimensional requirements so that she may sell the parcel for development for single family residential use.

Upon review of this appeal, the board concluded that there were no conditions affecting this parcel that differentiated it from other properties within this district that created a hardship, other than the loss of a financial gain via its sale, for the appellant. It was their opinion that the granting of the 3 variances requested would seriously depart from the intent of the bylaw, especially where a conforming property would be reduced to 2 nonconforming lots. Finding that the appellant's request did not satisfy the statutory prerequisites for the granting of the dimensional variances necessary to separate the subject parcels, it was unanimously voted to deny the appeal.

Vote

Mr. Salerno	No
Mr. George	No
Mr. Gordon	No
Ms. Murphy	No
Mr. Rosen	No

PUBLIC HEARING: Frohsinn Club and Marilena's Catering, 25 North Quinsigamond Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of the Frohsinn Club and Marilena's Catering, 25 North Quinsigamond Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow public dining upon property located at 25 North Quinsigamond Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 31 as Plot 64.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Benoit: My name is Jim Benoit. I'm the president of the Frohsinn Club.

Mr. Zona: I'm Kevin Zona. I own the catering business.

Mr. Alarie: Mr. Chairman, before they start, maybe I should verse the board as to the reason they are here. The Frohsinn Club, as you know, has been there for a number of years.

Mr. Benoit: One hundred and forty-six to be exact.

Mr. Alarie: Sometime last year, there was a question raised as to Mr. Zona's operation a food service establishment there. We found that, I believe that it's one night a week, the club was being opened to the general public. There was a question relative to the Common Victualler's License and the liquor licenses as well. The Frohsinn Club exists in that multi-family district as a nonconforming use. What I suggested to Mr. Zona is that he approach the board because it is somewhat of a change or an alteration to that nonconforming use, to come to get approval of his operation. I know that they went before the Board of Selectmen. I believe that it was in December.

Mr. Benoit: Yes.

Mr. Alarie: The selectmen chose to allow him to operate under the Frohsinn Club's various licenses. I advised Mr. Zona that the best thing that he could do for his operation was to seek the relief necessary from this board as well.

Mr. Salerno: Under a special permit?

Mr. Alarie: Under a special permit, yes. So, that's the reason why the appeal was made.

Mr. Gordon: Is a club license different than a regular liquor license in this town?

Mr. Benoit: Yes.

Mr. Alarie: Yes.

Mr. Gordon: Could you explain the differences?

Mr. Benoit: About \$800 to \$1,000. One of them is theoretically for “members only.” It’s like a VFW or a K of C or an Elks Club or similar to that. We’re in a “members only” atmosphere. What we did with this Wednesday night thing with Kevin is that we tried to get more membership. As you know, most organizations today are dwindling. It’s hard to get people to join clubs and make them thrive, as they say. Kevin and myself and the past president discussed this and we opened it up on a Wednesday night for dinner hoping to get some people that would come in and observe our facility and, hopefully, say “gee, this is a nice place to come.” We do have an orchestra for the membership every single Saturday night. They come in down there and they can dance and do their thing. We do do some outside things there. Ninety-nine percent of them are member oriented. We do have the Massachusetts District Association of Nurses that come in and do a seminar once a month. We used to have the letter carriers come in and have their meetings there. We had several other organizations that used to come down and visit our organization.

We also have voting for the town. We allow the town to come in, rent free I must say, to use our facility. So, when this came up by Mr. Alarie, we went to selectmen and are here now.

I must say that, several years ago, I went through the whole thing when we tried to expand the club. I look around and I don’t see as many people as were here that night. There must have been 300 people here and they were ready to skin me alive because they thought I was in cahoots with one of the builders in town. They went from the variance that we wanted for our property all the way down, 5,000 something feet, to an area which would take in another piece of property on the lake where this gentleman wanted to build a restaurant and a bar. It wasn’t my doings. It was someone who did it from this town.

Mr. Salerno: Yes, but all you’re here tonight for is a special permit?

Mr. Benoit: Right.

Mr. Gordon: Would this expand the Wednesday night or are you just talking the Wednesday night.

Mr. Benoit: No, no.

Mr. Zona: I think what Jimmie’s trying to say is that I opened it up, and I spoke to Ron about this also, just for members and guests. I’m not looking for a restaurant in there or anything like that. We’re just one night a week and we’re just going through the right channels so that there aren’t any problems in the future. This is why we’re here tonight.

Mr. Salerno: What’s the relationship with your catering company and the Frohsinn Club? Do you provide all the kitchen services for them?

Mr. Benoit: Yes, right.

Mr. Salerno: I assume that you rent your place for, I don't know, weddings or other functions?

Mr. Zona: Right.

Mr. Salerno: You do all of the catering?

Mr. Zona: Right.

Mr. Salerno: So, you're the in-house caterer?

Mr. Zona: Right.

Mr. Salerno: So, essentially, the club wants to be able to invite nonmembers in one night a week?

Mr. Zona: Right.

Mr. Salerno: What would the hours be?

Mr. Zona: Five to nine.

Mr. Benoit: Five to nine.

Mr. Salerno: Five to nine on Wednesdays?

Mr. Benoit: You see, the...

Mr. Salerno: All right, just hold on. It's 5 P.M.?

Mr. Benoit: To 9 P.M.

Mr. Salerno: During that time, the food is for sale off of a menu.

Mr. Benoit: Right.

Mr. Zona: All it is is an "all you can eat" chicken with pasta and potatoes, just like Wright's Chicken Farm.

Mr. Salerno: So, it's going to be similar to a buffet style?

Mr. Zona: It's the same thing every single Wednesday.

Mr. Salerno: As far as the alcohol goes, it's a full liquor license?

Mr. Benoit: Yes, we do have one. We went through the same process with the Board of Selectmen.

Mr. Salerno: You have a full liquor license?

Mr. Benoit: Yes, we do.

Mr. Salerno: So, there's no conflict there Mr. Alarie?

Mr. Alarie: No. I don't believe they have a full liquor license. They're able to operate under their existing licenses per the Board of Selectmen.

Mr. Salerno: But, with the club license they have, are they able to sell alcohol to the public on a Wednesday night under the club license?

Mr. Alarie: My understanding is that is what was extended to them through the Board of Selectmen.

Mr. Salerno: So, the Board of Selectmen is allowing that?

Mr. Alarie: Yes.

Mr. Salerno: You just need approval from zoning?

Mr. Zona: Right. That's why we're here?

Ms. Murphy: What's the capacity?

Mr. Benoit: I don't want to quote figures.

Ms. Murphy: Okay. A better question is not what the capacity is, but what's the volume of customers, so far, that you've had on Wednesday nights? Just an average?

Mr. Benoit: About 40 or 50 people.

Mr. Zona: Yes. It's not like we're doing 300 people.

Ms. Murphy: Mr. Alarie?

Mr. Alarie: That has not been an issue.

Ms. Murphy: That's my question. So, the neighborhood hasn't complained?

Mr. Alarie: No. It's really just the technical aspect of it.

Mr. Zona: It's mostly neighborhood people, to be honest with you, that come there. Like Jimmie said, we just want new members and are trying to get different people to see the place.

Mr. Salerno: There's plenty of parking?

Mr. Zona: There's plenty of parking.

Ms. Murphy: Okay.

Mr. Zona: It's not a 2:00 in the morning thing by any means.

Mr. Salerno: So, it's "all you can eat" and you've got to be out of there by 9:00. Are there any further questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of the Frohsinn Club and Marilena's Catering, 25 North Quinsigamond Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow public dining upon property located at 25 North Quinsigamond Ave.

The use of subject premises as a membership club predates the adoption of zoning in Shrewsbury and exists as a legal nonconforming use within the MF-1 Garden-Type Apartment District in which it is situated. Recently, the club, through its caterer, has opened their function area one evening per week for the purpose of offering food and beverage to the general public. They have requested the issuance of a special permit in accordance with Section IV, Subsection B, of the Zoning Bylaw to allow a modification of their nonconforming club activities to include the aforementioned public dining.

Upon review of this appeal, the board noted that the area surrounding the subject premises is generally commercial in character as it directly abuts the Commercial Business District which extends from Route 9 up to its southerly boundary line. They also noted that, in addition to the club's normal activities, the building has been used for many years for outside functions such as weddings, meetings and as a polling location for town elections. It was their opinion that the continued use of this facility one evening per week for public dining would not materially change its nonconforming character or adversely impact the welfare of either the general public or area residents or property owners. It was, therefore, unanimously voted to grant the special permit subject to the restriction that the club may be opened for said purpose on Wednesday evenings between the hours of 4:00 P. M. and 10:00 P. M.

Vote

Mr. Salerno	Yes
Mr. George	Yes

Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Graves Engineering, Inc., 752 Boston Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of Graves Engineering, Inc., 100 Grove Street, Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sale, servicing and repair of motorcycles upon property located at 752 Boston Tpke. The subject premises is described on the Shrewsbury Assessor's Tax Plate 35 as Plot 30.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 8, 2004 and March 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Inman: Thail Inman, General Manager of the motorcycle shop that exists now.

Mr. Howland: Jeff Howland, Graves Engineering.

Mr. Salerno: Excuse me, what motorcycle shop that exists now?

Mr. Inman: Wagner BMW Motorcycles of Shrewsbury.

Mr. Salerno: And, you say that it currently exists? It exists where?

Mr. Inman: At 752 Boston Turnpike.

Mr. Alarie: It is in the existing Wagner Motors building.

Mr. Inman: It is currently operating out of the existing BMW dealership.

Mr. Salerno: Is this going to be separate from that?

Mr. Alarie: Yes, a separate building.

Mr. Howland: It will be a separate building on the same parcel.

Mr. Salerno: Okay, go ahead.

Mr. Howland: Currently, as has been stated, the BMW Motorcycle Dealership is operating out of the existing BMW dealership at the corner of Route 9 and Chestnut

Street. The proposal is to move that component into and expand on the existing barn that's located right off of Chestnut Street. Access will be through the existing dealership's entrance off of Route 9 and the entrance that they currently have on Chestnut Street. Parking for the motorcycle dealership will be separated parking. Currently, the dealership now has the motorcycles and they are not really anticipating any additional traffic. The traffic, instead of coming over to the existing building, will be moved over to the barn itself. The repair of all the motorcycles will be inside the building down in what is now the basement of the existing barn.

The barn is going to stay intact, except that there will be some renovations and expansions going out and also down to try to go with the existing topography. The goal is to try to almost have these look the same as the existing barn. Even though they will be 2 separate buildings, all parts will be delivered to the existing building. Actually, the deliveries come into a garage, they go inside and then they will be distributed to the barn. There will be no repairs outside. Everything will be inside the barn. There is a proposed canopy for the viewing of motorcycles out under a covered canopy. They will be moved back in at night.

We're here for a special permit to allow the use. We will still be going through site plan review through the planning board, which we are scheduled to do next week.

Mr. Gordon: April 1st?

Mr. Howland: Correct. The owner, Ron Wagner, has sent a letter to the selectmen to transfer the license from the existing building to the proposed building.

Mr. Gordon: So, he already has the Class I Motorcycle License?

Mr. Howland: Yes.

Mr. George: That barn's on another level?

Mr. Howland: That's correct. If you've been there, there's a retaining wall along the side and that sits up higher.

Mr. George: You said that all parts for the motorcycles will be delivered to the main building?

Mr. Howland: To the west side of the main building. That's correct.

Mr. George: You have a great delivery operation there. I toured the building when you had the open house. It was pretty good

Mr. Inman: Yes, he comes about 3:00 or 4:00 in the morning and they go right inside.

Mr. Howland: The actual original design of this didn't intend for that. We actually had a spot outside with a gated area for parts. It worked out that that the delivery could be incorporated inside the building.

Mr. Gordon: If I remember correctly when you made the original presentation, wasn't there always an intention to have the motorcycles in the barn?

Mr. Howland: At the time of the original presentation, it was probably a dream of the owner to do that, but he wasn't sure if the barn was going to be able to be used or not. He purchased that barn and made the appropriate setbacks at the time with the animal hospital's property so that he could use that at some point.

Mr. Gordon: With this additional parking for this, there'll be enough parking for the cars and the motorcycles?

Mr. Howland: Yes

Mr. Salerno: Will there be any crossover use? Will there be cars up where the motorcycles are? Just identify yourself for the record, sir. I don't know if we have your name on the record.

Mr. Macomber: Brad Macomber, general manager. Only for customer parking and the actual employees that work in the building.

Mr. Gordon: Will you be using the same driving, for lack of a better word, range where you have people test cars? Are motorcycles tested in the same way or do they test in the same way?

Mr. Macomber: Yes. Not 100 % of the people who buy a car take a test drive. That's not necessarily true with the motorcycles. We sell them all winter. So, some of them have them home and haven't driven them for 3 months.

Mr. Gordon: If I remember correctly, you weren't going to drive on Chestnut Street with the cars. You were going to come down Route 9 to that first cross street, which is Walnut Street, and then back down South Street and into your place. I think that was written into it?

Mr. George: It was?

Mr. Gordon: I don't know at what hearing, but it was written into one of the permits.

Mr. Howland: I think that was site plan approval.

Mr. Gordon: Was that site plan approval?

Mr. Howland: That was also when they had limits that there be no exterior intercom system.

Mr. Gordon: Which we'll not have here as well?

Mr. Howland: I would assume that the same provisions that were done for the car dealership would be the same here.

Mr. Gordon: What are the hours for the motorcycle place? Are they going to be the same hours as the dealership?

Mr. Macomber: Yes.

Mr. Gordon: What are the hours?

Mr. Macomber: Eight to eight.

Mr. Salerno: Seven days a week?

Mr. Macomber: No. Eight to eight, Monday through Friday, eight to four on Saturdays and noon to four on Sunday.

Mr. Gordon: So, that would be the same as we have it in the last approval?

Mr. Salerno: You're going to match the hours with the car dealership?

Mr. Macomber: Yes.

Mr. Salerno: Good.

Mr. George: This is not a matter concerning the motorcycles, it's a matter of the car dealership. I noticed that a lot of dirt has eroded into Route 9 along the side of the street where those hay bales are. I was wondering how soon that was going to be cleaned up out there?

Mr. Howland: Yes. We anticipate that it would be done as soon as the weather gets better.

Mr. Macomber: Some of that washed down when they were adding the sewer line to the animal hospital. Some of that came down across the out entrance and, since it's in front of my dealership, we are going to clean it up.

Mr. George: You're saying that it's runoff from the other site?

Mr. Macomber: That's correct and some of it is ours because Mass Highway has been on us also.

Mr. George: Okay.

Mr. Gordon: I've noticed over the last couple of days that you've been putting automobiles in front of the detention pond, up toward the road. Is that going to be your intention? There were 2 automobiles there yesterday.

Mr. Macomber: Up on?

Mr. Gordon: Up on the grass next to the main entrance.

Mr. Macomber: Well, I'd like to continue to do that.

Mr. Gordon: That doesn't exceed the permit that you have now? I don't know?

Mr. Macomber: With the kind of off-road vehicles, it kind of gives that off-road look to them.

Mr. George: What kind of structure will you be doing to the barn?

Mr. Howland: The barn itself, according to the architect, is going to be renovated and he is trying to keep the same character as the existing barn. Then he's going to be adding to it. To be honest with you, I don't know if this helps. It's going to be a stick built structure. This is what it is supposed to look like.

Mr. Howland showed the elevations to the board members.

Mr. George: So, where is the existing part of the barn right now?

Mr. Howland: It's this piece right here, I believe, and this piece here. Let's see, this will be the rear and the front will be here to here. The roofline will be here. That will be this roofline right here.

Mr. Gordon: There's a wooden floor in the existing barn and the rest is a cement floor?

Mr. Howland: This is actually the canopy.

Mr. George: Thank you.

Mr. Salerno: What is the biggest bike that BMW makes?

Mr. Macomber: It's 1,200 cc.

Mr. Salerno: Is it a touring bike?

Mr. Macomber: It's a touring bike, yes exactly.

Mr. Salerno: Just out of curiosity, what's the average cost of BMW motorcycles?

Mr. Macomber: Probably right around \$14,000, average. They go anywhere for \$8,000 to about \$23,000.

Mr. Salerno: Seeing nobody here to inquire, we'll take it under advisement and notify you of our decision.

Decision

On March 23, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Graves Engineering, Inc., 100 Grove Street, Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sale, servicing and repair of motorcycles upon property located at 752 Boston Tpke.

The subject premises has recently been developed by Wagner Motors upon which they operate a BMW dealership selling and servicing new and used motor vehicles, including their line of motorcycles. There is a large barn currently situated within the southwest quadrant of the site adjacent to the rear driveway that exits out onto Chestnut Street. They propose to expand this structure and utilize it as a sales and service center for the motorcycle component of their business.

Upon review of this proposal, the board found that the improvements proposed for the barn and its use for the aforementioned purposes would be compatible with and would compliment the existing dealership. It was their opinion that the relocation of the motorcycle sales area from their new building to the new facility would not materially change the level of activity to and from this site and that it would not create any condition which would adversely impact the welfare of the general public. It was, therefore, unanimously vote to grant the appeal as presented to the board and subject to the stipulation that the hours of operation of the motorcycle dealership shall be limited to those hours of the BMW dealership as set forth in the special permit issued on November 27, 2001.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes